

REMARKS

The outstanding non-final Office Action mailed December 21, 2004 has been carefully considered. In response thereto, Applicants submit herewith the foregoing amendments and following remarks. Claims 1, 5, 11, 15, 21, and 25 are amended. Claims 1 - 40 are now pending in the present application. The subject matter of amended claims 1, 5, 11, 15, 21, and 25 can be found in Applicants' originally submitted drawings and the related detailed description. For example, see at least the first paragraph of page 12 of Applicants' originally filed specification. Thus, Applicants submit no new matter has been added to the application.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the present application and claims 1 - 40 are respectfully requested.

I. Claim Rejections under 35 U.S.C. §103 - Claims 1 - 40

A. Statement of the Rejections

The Office Action rejects claims 1 - 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,289,462 to McNabb *et al.* (hereafter *McNabb*) in view of U.S. Patent No. 6,144,960 to Okada *et al.* (hereafter *Okada*). The Office Action rejects claims 31 - 40 under 35 U.S.C. §103(a) as being unpatentable over *McNabb* and *Okada* further in view of U.S. Patent No. 5,560,008 to Johnson *et al.* (hereafter *Johnson*).

B. Discussion of the Rejections

Applicants' independent claims 1, 11, and 21 recite structure/limitations that are not disclosed, taught, or suggested by the proposed combinations of *McNabb* and *Okada* and *McNabb*, *Okada* and *Johnson*.

To establish a *prima facie* case of obviousness based on a combination of the content of various references, there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant. *In re Raynes*, 7 F.3d 1037, 1039, 28 USPQ2d 1630, 1631 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). As stated in MPEP 2143 - Basic Requirements of a *Prima Facie* Case of Obviousness,

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' independent claims 1, 11, and 25 recite claim limitations that are not disclosed, taught, or suggested by the cited references. Accordingly, the proposed combinations fail to establish a *prima facie* case for obviousness for failure to teach or suggest all the claim limitations.

1. Claims 1 - 10

Concerning Applicants' claims 1 – 10, Applicants respectfully submit that the combination of *McNabb* and *Okada* fails to disclose, teach, or suggest each element in independent claim 1. Specifically, the proposed combination fails to disclose, teach, or suggest “a system call trap associated with said operating system kernel, said system call trap configured to modify the plurality of attributes for the software process in said operating system kernel based on an executable environment attribute stored in association with said executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” In this regard, both *McNabb* and *Okada* are entirely silent.

McNabb apparently describes a trusted compartmentalized computer operating system, where the fundamental security layer is apparently moved to the operating system level. *McNabb* fails to disclose, teach, or suggest when said executable file is executed a new software process attribute is set as a function of the executable environment attribute. *Okada* apparently describes a software management system that permits users to publish software programs they have created to a server. Other users can access the system, select, and download software programs from the system. As a function of the publishing process, *Okada* apparently discloses a syntax check, a virus check, a copyright check, a registered trademark check, and a software program name redundancy check. The host computer compares an uploaded program with character strings and software code lists to perform the various checks. If a match is detected an alarm is issued. *Okada* is entirely silent regarding

modifying a new software process attributes as a function of an executable environment attribute. Thus, *Okada* fails to disclose, teach, or suggest when said executable file is executed a new software process attributes are set as a function of the executable environment attribute. Consequently, the combination of *McNabb* and *Okada* does not render Applicants' independent claim 1 obvious. Accordingly, the rejection of claim 1 should be withdrawn.

Because independent claim 1 is allowable, dependent claims 2 – 10, which depend directly or indirectly from claim 1, are also allowable for at least the same reasons as claim 1. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection of claims 1 – 10 be withdrawn.

2. Claims 11 - 20

Regarding Applicants' claims 11 – 20, Applicants respectfully submit that the combination of *McNabb* and *Okada* fails to disclose, teach, or suggest each element in independent claim 11. Specifically, the proposed combination fails to disclose, teach, or suggest the step of “modifying the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” As shown above, both *McNabb* and *Okada* are entirely silent regarding when said executable file is executed a new software process attribute is set as a function of the executable environment attribute. Consequently, the combination of *McNabb* and *Okada* does not render Applicants' independent claim 11 obvious. Accordingly, the rejection of claim 11 should be withdrawn.

Because independent claim 11 is allowable, dependent claims 12 – 20, which depend directly or indirectly from claim 11, are also allowable for at least the same reasons as claim 11. *See In re Fine, supra*. Accordingly, Applicants respectfully request that the rejection of claims 11 – 20 be withdrawn.

3. Claims 21 - 30

Regarding Applicants' claims 21-30, Applicants respectfully submit that the combination of *McNabb* and *Okada* fails to disclose, teach, or suggest each element in independent claim 21. Specifically, the proposed combination fails to disclose, teach, or suggest a computer-readable medium which contains logic configured to modify “the

plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” As shown above, both *McNabb* and *Okada* are entirely silent regarding when said executable file is executed a new software process attribute is set as a function of the executable environment attribute. Consequently, the combination of *McNabb* and *Okada* does not render Applicants’ independent claim 21 obvious. Accordingly, the rejection of claim 21 should be withdrawn.

Because independent claim 21 is allowable, dependent claims 22 – 30, which depend directly or indirectly from claim 21, are also allowable for at least the same reasons as claim 21. *See In re Fine, supra*. Accordingly, Applicants respectfully request that the rejection of claims 21 – 30 be withdrawn.

4. Claims 31 - 33

Concerning Applicants’ claims 31 – 33, Applicants respectfully submit that the combination of *McNabb*, *Okada*, and *Johnson* fails to disclose, teach, or suggest each element in independent claim 1, from which dependent claims 31 – 33 depend. Specifically, the proposed combination fails to disclose, teach, or suggest “a system call trap associated with said operating system kernel, said system call trap configured to modify the plurality of attributes for the software process in said operating system kernel based on an executable environment attribute stored in association with said executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” In this regard, each of the cited references is entirely silent. *Johnson* apparently describes a system and method that authorizes a process running at a client data processing system to access a service at a server data processing system. The server creates a set of credentials in response to a request from a proposed client. The credentials are communicated to the client and are used by the client to subsequently access the server. The server denies access when a client request does not match the set of credentials. *Johnson* is entirely silent regarding modifying a new software process’ attribute is set as a function of an executable environment attribute. Thus, *Johnson* fails to disclose, teach, or suggest when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute. Consequently, the proposed

combination does not render Applicants' dependent claims 31 - 33 obvious. Accordingly, the rejection of claims 31 - 33 should be withdrawn.

5. Claims 34 - 37

Concerning Applicants' claims 34 – 37, Applicants respectfully submit that the combination of *McNabb*, *Okada*, and *Johnson* fails to disclose, teach, or suggest each element in independent claim 11, from which dependent claims 34 – 37 depend. Specifically, the proposed combination fails to disclose, teach, or suggest the step of “modifying the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” In this regard and as shown above, each of the cited references is entirely silent. Consequently, the proposed combination does not render Applicants' dependent claims 34 - 37 obvious. Accordingly, the rejection of claims 34 - 37 should be withdrawn.

6. Claims 38 - 40

Regarding Applicants' claims 38 – 40, Applicants respectfully submit that the combination of *McNabb*, *Okada*, and *Johnson* fails to disclose, teach, or suggest each element in independent claim 21, from which dependent claims 38 – 40 depend. Specifically, the proposed combination fails to disclose, teach, or suggest a computer-readable medium which contains logic configured to modify “the plurality of attributes for the software process based on an executable environment attribute stored in association with the executable file, such that when said executable file is executed, a new software process attribute is set as a function of the executable environment attribute.” In this regard and as shown above, each of the cited references is entirely silent. Consequently, the proposed combination does not render Applicants' dependent claims 38 - 40 obvious. Accordingly, the rejection of claims 38 - 40 should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 40 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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